

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TIMOTHY D. MALLAND,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

CASE NO. 3:23-cv-05524-TMC

ORDER TO SHOW CAUSE

This matter comes before the Court on review of the Court record.

On September 13, 2023, the Court granted Plaintiff's request for extension for the parties' joint status report. *See* September 13, 2023 Minute Order. In that order, the Court directed that the parties file a Joint Status Report by October 13, 2023, pursuant to Fed. R. Civ. P. 16 and Local Fed. R. Civ. P. 16(a). *Id.*

A Joint Status Report has not been filed in this case, nor have the parties requested an additional extension of time to comply with the court's order. Fed. R. Civ. P. 16 (f)(1) provides that the court, on motion or on its own, may issue "any just orders including those authorized by Fed. R. Civ. P. 37(b)(2)(A)(ii)-(vii)" if a party "fails to obey a scheduling or other pretrial order."

Under Fed. R. Civ. P. 37(b)(2)(A)(v), the court may dismiss an action or proceeding in whole or in part for failure to obey a court order. It is Plaintiff's responsibility to initiate communications needed to comply with the court's orders requiring a Joint Status Report and they have not done so. Accordingly, Plaintiff should show cause, if any, as to why this case should not be dismissed without prejudice under Fed. R. Civ. P. 16(f)(1) and 37(b)(2)(A)(v) by November 3, 2023.

Therefore, it is hereby **ORDERED** that:

- Not later than November 3, 2023, Plaintiff shall show cause in writing, if any they have, why this case should not be dismissed without prejudice for failure to comply with Fed. R. Civ. P. 16 and Local Fed. R. Civ. P. 16(a).

The Clerk is directed to send uncertified copies of this Order to all counsel of record and to any party appearing *pro se* at said party's last known address.

Dated this 27th day of October, 2023.



Tiffany M. Cartwright
United States District Court Judge